

Exhibit Sticker

P-34

exhibitsticker.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VOTER REFERENCE FOUNDATION, et al.,

Plaintiff,

VS.

NO. CV 22-00222 JB/KK

Raul Torrez, Attorney General
for the State of New Mexico, et al.,

Defendants.

Transcript of Motion Proceedings before
The Honorable James O. Browning, United States
District Judge, Albuquerque, Bernalillo County,
New Mexico, commencing on June 14, 2023.

For the Plaintiff: Mr. Eddie Greim; Mr. Matt
Mueller; Mr. Carter Harrison

For the Defendant: Ms. Kelsey Schremmer; Mr. Jeff
Herrera

Jennifer Bean, FAPR, RDR, RMR, CCR
United States Court Reporter
Certified Realtime Reporter
333 Lomas, Northwest
Albuquerque, NM 87102
Phone: (505) 348-2283
Fax: (505) 843-9492

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492

**BEAN
& ASSOCIATES, Inc.**
PROFESSIONAL COURT
REPORTING SERVICE

MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 I guess I'd really like to have -- you know, you can
2 quibble about the request and you can do that all
3 day long. But in the end, I've got to interpret a
4 statute. And if you tell me: Here's our
5 definition, and there is no documents that fit it,
6 and they really are all on the program that they're
7 trying to seek, then that's going to trouble me to
8 interpret something that would have no meaning.

9 MS. SCHREMMER: Well, I --

10 THE COURT: I think it's your obligation
11 to tell me what documents -- even if their request
12 is faulty, I think you've got to tell me what
13 documents the Secretary of State thinks falls within
14 the narrow definition, and would produce if
15 requested.

16 MS. SCHREMMER: Sure. And I understand
17 Your Honor needs to interpret the statute. But it
18 needs to be interpreted, respectfully, with respect
19 to the actual requests in this case. So something
20 that might help us both is to just look at the
21 requests.

22 THE COURT: Well, I'm telling you what you
23 need to do.

24 MS. SCHREMMER: Okay. So --

25 THE COURT: You need to do it. And if you

1 I'd be as exhaustive as possible. What is
2 it -- you know, don't just give me examples, really
3 bottom out over there, what it is that they do to
4 comply with the MVRA.

5 MS. SCHREMMER: Certainly.

6 THE COURT: So that we know that there is
7 a universe of documents that are there.

8 MS. SCHREMMER: Yes, Your Honor. We will
9 make sure to get that to you.

10 THE COURT: Anything else you want to say
11 in response to Mr. Greim?

12 MS. SCHREMMER: Yes. I'll keep it short.
13 And certainly I want to make sure we get Your Honor
14 what he needs in terms of what documents the
15 Secretary would have under the MVRA.

16 I do want to clarify, though, that VRF, at
17 least via Local Labs, has received voter data
18 previously, and but for anticipated use of posting
19 it on the internet, could have received it again,
20 whether that be under the MVRA or under New Mexico
21 state law.

22 So I don't want there to be this
23 impression that there is some game of cat-and-mouse:
24 Until you ask us the exact right question, we're not
25 going to give you anything. The driving force

1 had, and that was turned down.

2 And I also turned down their request to
3 force you to give them that information. So the
4 Secretary of State is not giving them information
5 when they're making the same promise everybody else
6 is.

7 MS. SCHREMMER: I guess, I would
8 respectfully disagree that they're making the same
9 promise as everybody else. They specifically
10 requested additional information for the purpose of
11 posting it online. And their response was: Because
12 you want to post this online, and because we believe
13 that to be a violation of New Mexico law --

14 THE COURT: Well, what if Local Labs would
15 really like to publish it mentally, subjectively,
16 but you'd give it to them.

17 MS. SCHREMMER: Right. And then if they
18 published it after the fact --

19 THE COURT: Then you'd do something about
20 it.

21 MS. SCHREMMER: Right. And that is what
22 happened.

23 THE COURT: But that's no different than
24 this group.

25 MS. SCHREMMER: Except that we had actual

1 knowledge of the intent to violate state law. Yes,
2 you're right that we'd take it --

3 THE COURT: But I guess I'm troubled by
4 that. Because if they're saying: We're not going
5 to do anything if the Court denies our PI -- which I
6 did -- I guess I don't understand why you're
7 singling them out.

8 MS. SCHREMMER: And maybe I'm
9 misunderstanding. The promise that was made was
10 that we won't publish this unless we get relief from
11 the Court, in terms of your ability to prosecute us.
12 That was how I read this promise that was made.
13 Unless you are enjoined from prosecuting us, we
14 won't publish it. Not: Unless we get affirmative
15 permission, by way of a final judgment that tells us
16 this doesn't violate the law.

17 THE COURT: Well, then, that's not what
18 their request said. It didn't talk about final
19 judgments or anything like that.

20 MS. SCHREMMER: No, it didn't. And that
21 was part of the problem. We believe that, in the
22 middle of this litigation it was more proper to wait
23 for a final ruling.

24 THE COURT: I just think you have problems
25 here.

1 MS. SCHREMMER: Understood.

2 THE COURT: I mean, I just think they're
3 making the same assurances everybody else is making.
4 And you're probably going to have to go to trial on
5 that issue. If you want a bench trial, we can have
6 a bench trial. But I do think that you've singled
7 them out, when they make the same promise as
8 everybody else. And I think it's because it's what
9 they want to do with it, not what they're going to
10 do. They made promises, just like everybody else,
11 that they won't do it.

12 MS. SCHREMMER: Well, and I --

13 THE COURT: And I don't think you can deny
14 a group, which you don't like, when they're doing
15 the same thing everybody else is. That's my sort of
16 simplistic analysis of this.

17 MS. SCHREMMER: Well, we disagree that
18 they were doing the same thing as everybody else.

19 But even taking Your Honor's view, if
20 there was some discrimination between VRF and
21 everybody else, it was not on the basis of
22 viewpoint. It was on the basis of the publication
23 online.

24 And they have admitted as much in their
25 response. What they're asking this Court to do is